IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1457 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/08/1999 in WP NO : 20478 OF 1996 on the file of the High Court.)

Between:

1 The State of A.P., Rep. by its Prl. Secretary to Govt, Education Dept Secretariat Bldgs., Saifabad, Hyderabad.
2 The Commissioner of Collegiate Education, A.P., Hyderabad.

..... APPELLANTS

AND

1 K. Shyam Prasad, Nellore
2 K. Hariprasad Reddy, Nellore
3 P. Jayachandra Babu, Nellore
4 J. Sudhakar Reddy, Nellore
5 A. Subramanyam, Nellore
6 Dr. C.S.S.Prasad, Nellore
7 V.A. Seshagiri Rao, Nellore
8 V.R. Law College Rep. by its Secretary & Correspondent, Nellore.

.....RESPONDENTS

Counsel for the Appellants: GP FOR HIGHER EDUCATION

Counsel for the Respondent Nos.1 to 7: MR.D.V.SITARAMAMURTHY

Counsel for the respondent No.8 : Mr C.V. Rajeev Reddy,

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

This writ appeal is preferred against the order of a learned single Judge of this Court rendered in W.P.No.20478 of 1996 dated 13.8.1999.

Background facts after filtering out unnecessary details are as under:

The respondents-writ petitioners were appointed as Lecturers in V.R. Law College, Nellore on various dates. The institution was established in the year 1974 and the salaries of the respondents were being paid by the 8th respondent-Management. Subsequently, the Government issued G.O.Ms.No.485, Education Department, dated 1.4.1980 admitting the institution to grant-in-aid with effect from 1.4.1980. The grant was released by the Government up to the end of financial year 1984 -1985 and thereafter the grant was withheld, but the 8th respondent-Management has been paying the salaries to the teaching staff. However, during the year 1996 the salaries were not being paid to the respondents in regular course but in a lumpsum for 3 or 4 months. After that the respondents were paid the salaries till January, 1999 and thereafter they have not been paid. Aggrieved by the same, the writ petition has been filed by the respondents.

Controverting the allegations made in the writ petition, a detailed counter affidavit has been filed by the 8th respondent-Management wherein *inter alia* it has been contended that since February, 1999 salaries have not been paid to the respondents on the premise that the Government has to reimburse the scholarship and tuition fees of the B C students and therefore, in the absence

of release of such funds, it is not in a position to pay the salaries to the respondents and that as and when the amounts are received from the Government, the salaries will be paid to the respondents in a lumpsum.

A separate counter-affidavit has been filed by the 1st respondent-appellant. It is further contended that the institution was admitted to grant in aid in 1980 vide G.O.Ms.No.485 dated 19.6.1990 and subsequently the grant was withheld on the pretext that the Management was in a better financial position and it did not require any aid. Therefore, the writ petition is liable to be dismissed.

After scrutinizing the entire material on record, the learned single Judge disposed of the writ petition by observing as under:

> 1.The Government shall release the necessary aid to meet the salaries of the petitioners from February, 1999 onwards within a period of six weeks from the date of receipt of a copy of this order and continue to release the same until the notification in G.O.Ms.No.485 Education Department, dated 19.6.1980 is in operation. However, if the Government feels that the Management has attained the status of self sufficiency, it is open for the Government to withhold or withdraw the grant in aid.
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> 2.The Government shall cause an enquiry into the functioning of the 3rd respondent College as to under what circumstances the salaries were not being paid even after giving an undertaking to the Government and take appropriate action against the Management.
>
> 3.The petitioners shall be treated as having been admitted to grant in aid right from the date of notification in G.O.Ms.No.485 Education dated 19.6.1980 and shall continue to get all the benefits arising out of such a notification treating them as if they are appointed in the aided posts and necessary consequential benefits shall be released to the petitioners.

Heard the learned counsel on either side.

When the matter is taken up for hearing, it is brought to notice of this Court by the learned counsel for the respondents that the G.O.Ms.No.485 under which the respondents have made a claim for release of their salaries by releasing grant in aid to the 8th respondent-Management has been revoked by the State Government under G.O.Ms.No.113 dated 31.10.2001.

We have perused the material available on record and the order

impugned herein. It goes to show that respondents have based their claim for salaries on G.O.Ms.No.485 dated 16.9.1990. Subsequently, since the said G.O has been revoked by the Government for the reasons mentioned therein in pursuance of the G.O.Ms.No.113 dated 31.10.2001, We are of the view that the relief sought for in the writ petition basing on the G.O.Ms.No.485 dated 16.9.1990 does not survive for adjudication and therefore the same has become infructuous.

In the circumstances, no orders need be passed in this writ appeal and accordingly the same is closed.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

07.07.2005

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To

1 The Prl.Secretary to Govt , State of A.P., Education Dept
Secretariat Bldgs., Saifabad, Hyderabad.
2 The Commissioner of Collegiate Education, A.P., Hyderabad.

3. Secretary & Correspondent, V.R. Law College, Nellore.

4. Two CCs to GP for Higher Education, High Court buildings, Hyderabad. (OUT)

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